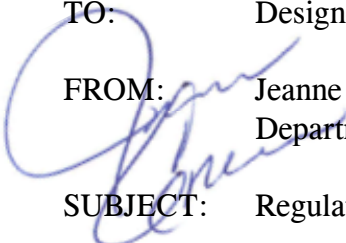




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MEMO PERD #03/06
January 12, 2006

TO: Designees for Rules Distribution

FROM:  Jeanne Greene, Director
Department of Personnel

SUBJECT: Regulation Changes – Chapter 284

Enclosed are the new and amended regulations that were adopted by the Personnel Commission on November 8, 2005. These regulations became effective December 29, 2005, the date they were filed with the Secretary of State. The revisions appear in bold and italic type. NAC 284.5236, 284.5238, 284.590, 284.6006, 284.601, and 284.6016 have been repealed.

When these regulations have been codified, replacement pages for the Rules for Personnel Administration will be distributed.

Please advise all administrators and personnel representatives of these changes, as appropriate. You may also wish to reproduce these pages and distribute them to all personnel rule recipients. Additionally, these revisions are available on the Department of Personnel website at <http://dop.nv.gov>.

If you have questions or concerns, please feel free to contact Shelley Blotter, Chief, Technical Services at 775-684-0105.

JG:sq

cc: Agency Personnel Liaisons
Agency Personnel Representatives

NEW SECTION. *“Work-related injury or occupational disease” means any injury or illness suffered by an employee that arises out of and in the course of his employment in the classified service and for which an employee has filed a claim pursuant to chapter 616A, 616B, 616C, 616D or 617 of NRS.*

NAC 284.010 Definitions. (NRS 284.065) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.022 to 284.112, inclusive, *and section 1 of this regulation*, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Dep’t of Personnel, 10-26-84; 4-19-88; 8-1-91; 7-6-92; 3-23-94; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R197-99, 1-26-2000; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm’n by R038-03, 10-30-2003)

NAC 284.076 “Permanent employee” defined. (NRS 284.065) “Permanent employee” means an employee who has successfully completed the probationary period for any class he has held during continuous classified service. The term does not include a person who:

1. Is reemployed after having been laid off and is serving a new probationary period as required by subsection 8 of NAC 284.630; or
2. Is reemployed pursuant to NAC 284.6014 after having sustained a permanent disability and is serving a new probationary period as required by subsection 2 of NAC 284.6018.

(Added to NAC by Dep’t of Personnel, eff. 8-1-91; A 3-1-96; A by Personnel Comm’n by R183-03, 1-27-2004)

NAC 284.095 “Reemployment” defined. (NRS 284.065) “Reemployment” means a noncompetitive appointment of a current or former employee to a class for which he has reemployment rights, as provided in this chapter, because of military service, layoff, a permanent disability arising from a *work-related injury or occupational disease*, seasonal separation, reallocation, or reclassification of his position to a lower grade.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 3-1-96)

NAC 284.097 “Reviewing officer” defined. (NRS 284.065)

“Reviewing officer” means:

1. The supervisor of the person who prepared a report on performance of an employee; or
2. Such other person designated by the appointing authority,

who reviews the report on performance upon the request of the employee pursuant to paragraph (b) of subsection 5 of NAC 284.470.

(Added to NAC by Dep't of Personnel by R038-03, eff. 10-30-2003)

NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date. (NRS 284.065, 284.155, 284.175)

1. An employee receives a new pay progression date if he is:
 - (a) Promoted to a position that results in an increase of two grades or more; or
 - (b) Reinstated.
2. An employee who is:
 - (a) Promoted to a position that results in an increase of one grade;
 - (b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;
 - (c) Transferred to a position without receiving an increase in grade;
 - (d) Reappointed to a position at a grade that he formerly held;
 - (e) Reemployed and has remained continuously employed; or
 - (f) Demoted,retains the pay progression date he held before the action described in paragraphs (a) to (f), inclusive, occurred.
3. If a person who is eligible for military reemployment is reemployed, he retains the pay progression date held when he separated from this State for his service in the military.
4. If an employee was promoted but is being restored to his former position pursuant to the provisions of NAC 284.462, the date of appointment and pay progression date of the former position must be restored.
5. Except as otherwise provided in this subsection and subsection 6, an employee's pay progression date must be adjusted:

- (a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or
- (b) On a day-for-day basis for the amount of time the employee:
 - (1) Was separated from state service if the employee is reemployed within 1 year after the date on which he was laid off or received a seasonal separation.
 - (2) Was separated from state service if the employee is a person with a permanent disability arising from a *work-related injury or occupational disease* who is reemployed within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.
 - (3) Was on leave without pay, or on catastrophic leave, if the employee is:
 - (I) A nonexempt employee and the leave without pay or catastrophic leave was in excess of 240 hours; or
 - (II) An exempt classified employee and the leave without pay or catastrophic leave was in excess of 30 working days,

in a year, except for leave without pay for a work-related injury or illness pursuant to NRS 281.390 or on a military leave of absence pursuant to NRS 284.359 or a leave of absence without pay during a fiscal emergency pursuant to NAC 284.580. An employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his pay class designation. As used in this subparagraph, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.

- 6. If the number of total hours of leave without pay or catastrophic leave of a nonexempt employee that exceed 240 hours is less than on day of full-time equivalent service for the pay class designation of the employee, an adjustment will not be made for those hours.
- 7. If an employee is on leave without pay, or on catastrophic leave, on his pay progression date, any adjustment to his pay progression date will be made after he returns to work.

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; A by Personnel Comm'n by R182-03, 1-27-2004)

NAC 284.255 Holidays: Holiday pay. (NRS 284.065, 284.155, 284.175, 284.180, 284.345)

1. For the purpose of this section, “holiday pay” means payment for a holiday at a nonexempt employee’s normal rate of pay plus the differential rate of pay for the shift, when applicable, or compensatory time at a straight-time rate.
2. Except as otherwise provided in paragraph (c) of subsection 3 and subsections 5 and 7, a full-time nonexempt employee whose base hours are 40 hours per week or 80 hours biweekly is entitled to receive 8 hours of holiday pay for any holiday that he is in paid status during any portion of his shift immediately preceding the holiday.
3. Except as otherwise provided in subsections 5 and 7:
 - (a) A full-time nonexempt employee whose base hours exceed 40 hours per week or 80 hours biweekly and who is in paid status during any portion of his shift immediately preceding a holiday is entitled to receive holiday pay equal to the pay he receives for his average workday. For the purposes of this paragraph:
 - (1) The average workday of a nonexempt employee is determined by dividing the total base hours of work per year by 2,088 and multiplying the quotient by 8.
 - (2) A *firefighter* assigned to a 24-hour shift shall be deemed to work 56 hours per week and 2,912 hours per year.
 - (b) A part-time nonexempt employee is entitled to receive holiday pay when he is in paid status during any portion of his shift immediately preceding the holiday if a holiday occurs on a normally scheduled workday of the employee. Except as otherwise provided in this paragraph, if such an employee is not required to work his normally scheduled workday on the holiday, the amount of holiday pay must equal the amount that he would have been paid if there had not been a holiday, but may not exceed the equivalent of his pay for 8 hours of work.
 - (c) A:
 - (1) Full-time nonexempt employee with an innovative workweek agreement may earn additional holiday pay on an hour-for-hour basis for any hours he works in excess of the holiday pay provided in paragraph (a) and in subsection 2, not to exceed the number of hours in his established workday as set forth in his innovative workweek agreement.
 - (2) Part-time nonexempt employee may earn additional holiday pay on an hour-for-hour basis for any hours he works on a holiday, not to exceed the number of hours in his established workday.
4. If a holiday occurs on the regularly scheduled workday of a nonexempt employee and his normal schedule of work is more than 8 hours, he must be in paid status or be placed on leave without pay for any difference between his holiday pay and his normal work schedule. An appointing authority

may adjust the work schedule of such an employee for the week during which the holiday occurs in lieu of placing the employee on paid leave or leave without pay.

5. A nonexempt employee who is scheduled to work on a holiday *shall report any absence from duty and the reason therefor to his supervisor or designated representative as prescribed in writing by the agency. An employee* who does not work on that holiday and who fails to report his absence to his supervisor or a designated representative *pursuant to this subsection* is not eligible to receive holiday pay.
6. A nonexempt employee whose employment begins on a holiday is eligible to receive holiday pay pursuant to subsections 2 and 3 if he is in paid status during his scheduled shift.
7. A nonexempt employee whose employment is terminated:
 - (a) The day immediately preceding a holiday is not entitled to receive holiday pay for that holiday.
 - (b) Except as otherwise provided in paragraph (c) of subsection 3, on a holiday on which he is working must be paid holiday pay for the actual hours he works on the holiday. If a nonexempt employee gives notice that he is terminating his employment on a holiday and he is not scheduled to work on the holiday, the last day on which he works or is in paid status is his date of termination.
8. The agency that lists a nonexempt employee as an “employee of record” on a holiday is responsible for the payment of holiday pay for that holiday to that employee. For the purposes of this subsection, an “employee of record” is a person employed by the state agency that is required to claim the person as an employee of the agency.
9. The salary of an exempt classified or exempt unclassified employee is not affected by a holiday.

[Personnel Div., Rule VII § B subsec. 2, eff. 8-11-73; A 7-3-76]—(NAC A by Dep’t of Personnel, 10-26-84; 8-28-85; 1-26-87; 9-17-87; 4-19-88; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; R098-99, 9-27-99; R058-01, 9-6-2001; R147-01, 1-22-2002; A by Personnel Comm’n by R096-03, 10-30-2003)

NAC 284.282 Longevity pay: Particular circumstances. (NRS 284.065, 284.155, 284.175, 284.345, 284.355, 284.3626)

1. Except as otherwise provided in NAC 284.580 for a leave of absence without pay during a fiscal emergency, an employee who is on leave without pay or catastrophic leave, or any combination of both, for the entire 6-month period of qualification is not entitled to longevity pay for that period.
2. The payment for longevity pay for a full-time employee will not be prorated pursuant to NAC 284.278 if:

- (a) He is an exempt classified employee or exempt unclassified employee and he uses an amount of leave without pay or catastrophic leave, or any combination of both, that equals 30 days or less in a calendar year; or
 - (b) He is a nonexempt employee, the base hours established for his pay class designation are 40 hours per week or 80 hours biweekly and he uses 240 hours or less of leave without pay or catastrophic leave, or any combination of both, in a calendar year.
3. If the base hours established for a pay class designation exceed 40 hours per week or 80 hours biweekly, an employee in that pay class designation must be allotted leave without pay and catastrophic leave in proportion to his base hours and full-time equivalency. The longevity pay of such an employee will not be prorated unless his use of leave without pay and catastrophic leave proportionally exceeds the limits set forth in subsections 2 and 4.
4. A part-time employee must be allotted leave without pay and catastrophic leave in proportion to his base hours and the full-time equivalency for his pay class designation. The longevity pay of such an employee will not be prorated unless his use of leave without pay and catastrophic leave proportionally exceeds the limit set for a full-time employee in his pay class designation pursuant to subsection 2.
5. An employee who retires pursuant to the provisions of chapter 286 of NRS or who dies during the 6-month qualifying period is eligible for longevity pay according to the applicable formula in NAC 284.278.
6. An employee who is laid off and is rehired within 1 year after the date of layoff is eligible for the longevity pay he would have earned if he had not been laid off. The longevity pay must be calculated as if the employee had been on leave without pay pursuant to subsection 2.
7. A person with a permanent disability arising from a *work-related injury or occupational disease* who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is eligible for the longevity pay he would have earned if he had not been separated from state service. The longevity pay of such an employee must be calculated as if the employee had been on leave without pay pursuant to subsection 2.
8. An employee is eligible to earn service credit for the calculation of longevity pay when he is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS and he uses accrued sick leave, accrued annual leave or accrued compensatory time to meet the difference between his normal pay and the benefits he receives. Such an employee ceases to earn service credit for the calculation of longevity pay when he is placed on a leave of absence without pay or catastrophic leave.
9. Service in a seasonal position must be credited toward the calculation of longevity pay if the employee is employed on December 31 and June 30 and if the requirements for eligibility for longevity pay have been met. If an employee in a seasonal position is not on the payroll on those

two dates and he is reemployed within 12 months, the employee is entitled to receive prorated longevity pay for his service during the previous longevity period.

10. If a person is on leave of absence without pay for military service pursuant to NRS 284.359 or is reemployed within 90 days after the military service, the time during which he was not in paid status because of his military service will be counted as service credit for the calculation of longevity pay. The person is eligible for longevity pay for the time he is in paid status in accordance with the provisions of subsection 2.
11. If a nonclassified employee or an employee covered by NRS 284.022 is appointed without a break in service to the classified or unclassified service, the previous time served is counted for the purpose of calculating longevity pay, but the employee is not eligible for any retroactive longevity pay.

[Personnel Div., Rule III § M subsec. 7, eff. 9-6-74; A and renumbered as subsec. 6, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 12-17-87; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; 3-1-96; 10-27-97; R031-98, 4-17-98; R147-01, 1-22-2002)

NAC 284.313 Limitation of competition in recruitment; applications. (NRS 284.065, 284.155, 284.295)

1. Except as otherwise provided in this subsection, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria or conditions for the class or position as specified in the publicized job announcement. The publicized job announcement may provide for the consideration of applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed on an eligible list.
2. It is the responsibility of an applicant to apply for any recruitment for which he is interested. Future vacancies may be filled from the results of appropriate prior recruitments.
3. Each applicant must submit an application as specified in the publicized job announcement. The application must be received not later than 5 p.m. on the *closing date, as determined by the Department of Personnel*.
4. The incomplete or improper completion of an application that affects the ability of the Department of Personnel to determine the qualifications of the applicant, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.
5. If a recruitment produces a sufficient number of applicants, the Department of Personnel may, as an additional phase of the process of examination, approve the obtaining of supplemental information from each applicant to assess his qualifications if the publicized job announcement includes notice that such supplemental information may be required. Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.
6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current state employees who:

- (a) Have served at least 6 months of continuous full-time equivalent service in a probationary, special disabled, emergency, provisional or permanent status, or any combination of these, in the classified service.
 - (b) Are working in the division, department or state service which is specified in the publicized job announcement.
7. An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.
 8. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he is not currently employed. The prior appointment must have been in the division, department or state service which is specified in the publicized job announcement.
 9. Applications and accompanying documents are the property of the Department of Personnel.

[Personnel Div., Rule IV § F, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 8-1-91; 7-6-92; A by Personnel Comm'n by R183-03, 1-27-2004)—(Substituted in revision for NAC 284.318)

NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons.
(NRS 284.065, 284.155, 284.250, 284.295)

1. The names of eligible persons will be removed from the active lists for any of the following causes:
 - (a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given.
 - (b) Expiration of the term of eligibility.
 - (c) Separation of a person who is eligible for promotion from the state service.
 - (d) Failure by an eligible person to respond within the required time to an inquiry of availability.
 - (e) A statement by the eligible person that he is not willing to accept any type of appointment from the eligible list.
 - (f) Any of the causes listed in NRS 284.240 pursuant to which the Director may refuse to examine or certify an eligible person, failure to disclose convictions as required by NAC 284.321 or, if the employee has been laid off, reemployment pursuant to subsection 7 of NAC 284.630.

2. An appointing authority need not consider an eligible person more than three times from a recruitment. Consideration of an applicant for other than full-time permanent positions must not be counted for the purposes of this subsection.
3. *An appointing authority need not consider an otherwise eligible person who cannot perform the essential functions of the position with or without reasonable accommodation.*
4. An appointing authority may refuse to consider an eligible person who has been subject to a suspension, demotion or termination as a result of an upheld or uncontested disciplinary action in the preceding 12 months. The 12-month period begins on the effective date of the uncontested action or, if it is contested, on the date the hearing officer issues his final decision upholding a suspension, demotion or termination. If an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee of that fact in writing before interviewing the next candidate or making its selection. The employee has 3 working days after being notified that he has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his personnel file which led to the removal of the employee from consideration. The appointing authority may not make its selection:
 - (a) If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or
 - (b) If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.
5. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate NRS 281.210, NAC 284.375 or a policy approved by the Commission pursuant to NAC 284.375.
6. An eligible person whose name has been removed from an active list may request that his name be reactivated by stating his reasons for the request. If the Department of Personnel determines that the reasons are justified, and the person's term of eligibility has not otherwise expired, his name may be reactivated.

[Personnel Div., Rule V § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 12-26-91; 7-1-94; 8-16-96, eff. 10-1-96; A by Personnel Comm'n by R069-02, 8-14-2002; R182-03, 1-27-2004)

NAC 284.444 Adjustment of probationary period. (NRS 284.065, 284.155, 284.290)

1. A probationary employee who transfers:
 - (a) Within the same class must serve the remaining portion of the probationary period.
 - (b) From one class to another class must serve a new probationary period.

2. An employee who transfers from the unclassified or nonclassified service to the classified service must serve a new probationary period. Except for those unclassified employees who transfer pursuant to subsection 2 of NAC 284.398, the status of a permanent employee may not be attained until the satisfactory completion of the probationary period.
3. An employee who is reinstated must serve a new probationary period unless it is waived in writing by the appointing authority. If an appointing authority waives the probationary period, the status of the appointment of the employee is permanent.
4. A probationary employee who is reappointed must serve a new probationary period.
5. A permanent employee who is reappointed to a class:
 - (a) At a higher grade level must serve a trial period unless it is waived by the appointing authority.
 - (b) At the same grade level or a lower grade level is not required to serve a probationary period.
6. An employee who is laid off, but who is reemployed within 1 year, must serve a new probationary period if he is reemployed in a different class or in a different department than that from which he was laid off and he is subject to the provisions of subsection 8 of NAC 284.630.
7. A person with a permanent disability arising from a ***work-related injury or occupational disease*** who is reemployed in a different class or option than his regular position must serve a new probationary period as required by NAC 284.6018.
8. A person who is entitled to reemployment because of his military service is entitled to return to the status of appointment held at the time of his separation from the state service for military purposes. If the employee did not complete the probationary period, he will only be required to complete the remaining portion thereof.
9. Promotion to a vacant position requires a new probationary period. Promotions which result from reclassification are governed by NAC 284.134 and 284.138.
10. Except as otherwise provided in subsection 11:
 - (a) No probationary period will be required if a permanent employee is demoted.
 - (b) A new probationary period will be required if a probationary employee is demoted.
11. An employee who is restored to his former position pursuant to NAC 284.462 following a promotional appointment must serve the portion of his probationary period which was remaining at the time of his promotion.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-21-89; 8-1-91; 12-26-91; 3-1-96)

NAC 284.470 Preparation, filing and discussion of reports; duties of employees; requests for review; grievances. (NRS 284.065, 284.155, 284.340, 284.384)

1. A person shall not complete a report on performance unless he has completed the training provided or approved by the Director concerning the preparation of a report on performance.
2. A report on performance must be prepared on the form prescribed by the Department of Personnel.
3. A report on performance must be filed at the times prescribed by NRS 284.340, but may be filed more frequently at the discretion of the supervisor of the employee. *If a report on performance is not filed on or before the times specified in NRS 284.340, the performance of the employee shall be deemed to be standard.*
4. *If any information that would have affected the rating of performance of an employee during a period of evaluation becomes available after the date on which the report on performance of the employee is filed for that period, the information may be included in the report on performance for the current period of evaluation and taken into consideration in determining the rating for the current period of evaluation.*
5. When a report on performance is given which reports the overall rating of performance of an employee as substandard:
 - (a) The report must contain a written notice that such reports affect both merit pay increases and the employee's eligibility for longevity pay; and
 - (b) An additional report on the performance of the employee must, in accordance with subsection 4 of NRS 284.340, be filed at least once every 90 days after the initial report that includes the substandard rating until the performance of the employee improves to standard or disciplinary action is taken against the employee.
6. Except as otherwise provided in subsection 6, the preparation of each report on performance must include a discussion between the employee and his immediate supervisor. Within 10 working days after the discussion takes place:
 - (a) The employee must complete and sign the appropriate section on the report on performance and return the report to his supervisor for forwarding to the reviewing officer or appointing authority.
 - (b) If the employee disagrees with the report on performance and requests a review, he must respond to the report in writing, identify the specific points of disagreement, if such specificity is provided, and return the response to his supervisor. The reviewing officer shall respond to the employee in writing within 10 working days after the supervisor receives the request.
7. If an employee is unavailable for a discussion of the report on performance pursuant to subsection 6 because of an extended absence, the immediate supervisor of the employee shall cause the report to be mailed to the employee. Within 10 working days after the date on which the employee receives the report:

- (a) The employee must complete and sign the appropriate section on the report on performance and mail the report to his supervisor for forwarding to the appointing authority or reviewing officer.
 - (b) If the employee disagrees with the report on performance and requests a review, he must respond to the report in writing, identify any specific point of disagreement, if the report provides such specificity, and mail his response to his supervisor. The reviewing officer shall respond to the employee in writing within 10 working days after the supervisor receives the request for review from the employee. For the purposes of this paragraph, a report on performance or request for review is deemed to have been received on the third day after the date on which the report or request is postmarked.
8. A copy of each report on performance must be provided to the employee and filed with the Department of Personnel. If any written comments are added to a report on performance after a copy of the report has been provided to the employee pursuant to this subsection:
- (a) A copy of the revised report which includes the written comments must be provided to the employee; *and*
 - (b) *The employee may respond, in writing, to the additional comments in the revised report not later than 10 working days after he receives a copy of the revised report and submit the response to the Department of Personnel for inclusion in his file of employment.*
9. An employee and his appointing authority may agree in writing to extend one or more of the periods prescribed in subsection **6 or 7**.
10. If a reviewing officer fails to respond to a request for review from an employee within the time required by this section, the employee may institute the procedure for the adjustment of a grievance pursuant to NAC 284.658 to 284.6957, inclusive.

[Personnel Div., Rule IX § A, eff. 8-11-73; A 12-28-75]—(NAC A by Dep't of Personnel, 10-26-84; 9-17-87; 10-18-89; 11-16-95; R031-98, 4-17-98; A by Personnel Comm'n by R065-98, 7-24-98; A by Dep't of Personnel by R197-99, 1-26-2000; R147-01, 1-22-2002; A by Personnel Comm'n by R069-02, 8-14-2002; R096-03, 10-30-2003)

NAC 284.5231 “Care” defined. (NRS 284.065, 284.155, 284.345) “Care,” means the *activities performed or attention* provided when an employee:

1. Provides psychological comfort and reassurance to his spouse, child or parent with a serious health condition who is receiving inpatient or home care;
2. Substitutes for another person who is caring for the employee’s spouse, child or parent who has a serious health condition;
3. Makes arrangements for any change in the care of his spouse, child or parent with a serious health condition; or

4. Provides physical or psychological care to his spouse, child, parent or other member of his immediate family~~[-]~~ who is unable to provide for his own:

(a) Basic medical, hygienic or nutritional needs;

(b) Safety; or

(c) Transportation to a provider of health care.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95)

NAC 284.524 Workweeks and workdays; periods for rest and meals. (NRS 284.065, 284.155, 284.345)

1. *An employee shall report for a work shift on time and ready to perform the duties and tasks assigned to his position.*
2. *Except as otherwise provided in this subsection, the* workweek for state employees is 40 hours. *A workweek* of a different number of hours may be established to meet the needs of state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two work periods separated by a 1/2- to 1-hour meal period. Insofar as practicable, the meal period must occur in the middle of the work shift. A rest period of 15 minutes must be granted for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.
3. Except as otherwise provided in subsections **4 and 5**, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:
 - (a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds **6** hours. Insofar as practicable, the meal period must occur in the middle of the work shift.
 - (b) A rest period of 15 minutes must be provided for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.
4. The requirement to relieve an employee for a 1/2- to 1-hour meal period does not apply to an employee who receives a paid meal period.
5. The requirement for a rest period does not apply to an employee who works:
 - (a) *Directly* with the inmates at *a correctional* institution.
 - (b) *For the* Division of Mental Health and Developmental Services of the Department of *Health and Human Services and* who:
 - (1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and

(2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93; R031-98, 4-17-98; R098-99, 9-27-99; A by Personnel Comm'n by R068-03, 10-30-2003)

NAC 284.5255 Time sheets. (NRS 284.065, 284.155, 284.175, 284.345)

1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the hours worked and leave used during a pay period on the appropriate form provided by his employer, including, without limitation, the specific times at which his work shifts started and ended. Entries must be made to account for all hours in the pay period, as prescribed by his employer. The employee shall submit the form in a timely manner to his supervisor or the designated representative of the supervisor.
2. An exempt classified employee or exempt unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to NAC 284.5895.
3. An employee who falsifies his time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to NAC 284.650.
4. An employee's supervisor is responsible for reviewing the employee's time sheet and verifying the accuracy of all hours worked and leave used by the employee.
5. The supervisor or *the person who is responsible for coordinating the payroll of the agency* may change an entry on an employee's time sheet in accordance with the policy *of the agency*. *If a change is made to* an entry on the employee's time sheet, the employee must be notified of the change. If the employee contests a change to an entry on his time sheet, *he* is entitled only to his base pay for the workweek in question. The contested entry must be resolved as soon as practicable, and any adjustment must be made during the next pay period following the resolution of the contested entry.
6. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to NAC 284.650.

(Added to NAC by Dep't of Personnel, eff. 11-16-95; A 10-27-97; R031-98, 4-17-98; R147-01, 1-22-2002)

NAC 284.538 Annual leave: Long-term employees. (NRS 284.065, 284.155, 284.345, 284.350)

1. *Except as otherwise provided in this subsection and NAC 284.5415, to compute the amount of annual leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different departments, he must be considered to work not more than 40 hours each week in each position.*

2. *A part-time employee is entitled to receive annual leave that is prorated based on the number of hours he is in paid status excluding overtime.*
3. *An employee who holds two or more part-time positions in state service may combine the number of hours he is in paid status, for all positions to compute annual leave, excluding overtime.*
4. *The basis for the computation of annual leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his position.*
5. *For each calendar month of full-time service, an employee is entitled to accrue annual leave at the rate of:*
 - (a) *One and one-half days per month for an* employee who has completed 10 years or more but less than 15 years of continuous full-time or part-time state service; *or*
 - (b) *One and three-fourths days per month for an* employee who has completed 15 years or more of continuous full-time or part-time state service.

If an employee has not been in continuous service, the period before the interruption will not be counted except as otherwise provided in NAC 284.5405.

[Personnel Div., Rule VII § C, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98)

NAC 284.5385 Annual leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation; part-time employees. (NRS 284.065, 284.155, 284.345, 284.350)

1. Except as otherwise provided in NAC 284.580, an employee does not accrue annual leave during the time he is on leave without pay or on catastrophic leave.
2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, and makes the election provided in:
 - (a) Subsection 1 or 3 of NRS 281.390 is entitled to accrue annual leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal pay and the benefits received.
 - (b) Subsection 5 of NRS 281.390 must be placed on leave of absence without pay, unless the employee is on family and medical leave because a serious health condition prevents him from performing one or more of the essential functions of his position. Such an employee may, while he is on such leave, elect to use his accrued annual leave in lieu of being placed on leave of absence without pay.
3. An employee who does not have enough sick leave to make up the difference between his normal pay and the benefits for a temporary total disability must be placed on leave of absence without pay for the

time he is receiving such benefits and the balance of time not covered by sick leave or other paid leave. *The* employee accrues annual leave only for the time he is *in paid status, excluding overtime*.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 12-17-87; 7-14-88; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002)

NAC 284.539 Annual leave: Written request; approval or denial; authorized use. (NRS 284.065, 284.155, 284.345, 284.350)

1. Except as otherwise provided by the Family and Medical Leave Act, an appointing authority shall determine the time when annual leave is taken after considering the needs of the *agency* and the seniority and wishes of the employee. Annual leave may not be granted in excess of the accumulated annual leave.
2. *A written request for annual leave that is submitted by an employee within a reasonable amount of time before the date upon which the annual leave is requested to commence must be approved or denied by the appointing authority, in writing, before the date upon which the annual leave is requested to commence or within 15 days after the appointing authority receives the request, whichever is sooner.*
3. *The appointing authority may deny a request for annual leave* for good and sufficient reason. The appointing authority may not prohibit an employee from using at least 5 consecutive days of annual leave in any calendar year.
4. An employee shall request annual leave at least 30 days in advance if the need for leave is foreseeable and the annual leave is to be taken in conjunction with a planned leave of absence without pay.
5. An employee who has accumulated both annual leave and compensatory time off, and who may lose annual leave at the end of the calendar year, may elect to use the annual leave instead of the compensatory time for approved leave. In all other instances, compensatory time must, as far as practicable, be exhausted before annual leave is used.
6. An employee who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may use his accrued annual leave pursuant to NAC 284.5775.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 6-18-86; 9-17-87; 7-14-88; 4-20-90; 3-23-94; 11-16-95; R031-98, 4-17-98; R082-00, 8-2-2000.

NAC 284.5405 Annual leave: Credit upon reinstatement, rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.350)

1. Except as otherwise provided in this section, any employee who returns to state service following a separation is eligible to accrue annual leave based on his total service with the State after he has completed 3 years of continuous service. The employee must requalify after each break in service.
2. An employee who is rehired within 1 year after being laid off accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.
3. An employee with a permanent disability arising from a *work-related injury or occupational disease* who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 accrues annual leave at a rate based on his total state service. He may use his annual leave immediately upon accruing it if he has completed 6 months of employment.
4. An employee who is rehired within 1 year after being laid off is entitled to buy back the balance of the annual leave for which he received payment in a lump sum on the date of the layoff. The rate of pay at which he is rehired applies to the buying back of annual leave.
5. An employee with a permanent disability arising from a *work-related injury or occupational disease* who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 is entitled to buy back the balance of the annual leave for which he received payment in a lump sum at the time of separation. The rate of pay at which he is reemployed applies to the buying back of annual leave.
6. If an employee who was laid off before completing 6 months of employment is rehired within 1 year after his layoff, the amount of the unpaid annual leave he had earned before the layoff must be restored to him.
7. If a person eligible for military reemployment is reemployed, he accrues annual leave at the rate which he would have earned if he had not left state service.
8. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his annual leave is charged to the agency to which he is appointed.
9. If a nonclassified employee, an unclassified employee of the *Nevada System of Higher Education* or an employee included in the State Personnel System pursuant to NRS 284.022 is appointed without a break in service to the classified or unclassified service, his annual leave must be recomputed to reflect the amount that would have accrued to him as a classified or unclassified employee less any annual leave which he used during his nonclassified, *Nevada System of Higher Education* or governmental agency employment, and the remaining balance will be transferred to the new appointment. The amount of annual leave transferred by the employee pursuant to this subsection may not exceed the maximum amount which is permitted by the classified or unclassified rate of accrual as set forth in NRS 284.350 and NAC 284.538. The agency to which the employee is appointed is not responsible for payment of

any annual leave in excess of the amount which is transferable. It is the responsibility of the employee who is transferring annual leave to seek payment of any excess amount of annual leave remaining to his credit from his former employer. ***If the amount of annual leave which is recomputed pursuant to this subsection results in a negative amount, the employee will begin the new appointment in the classified or unclassified service without any hours of annual leave.***

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-19-88; 3-27-92; 11-12-93; 3-1-96; R031-98, 4-17-98; A by Personnel Comm'n by R096-03, 10-30-2003)

NAC 284.542 Sick leave: Part-time employees. (NRS 284.065, 284.155, 284.345, 284.355)

1. A part-time employee is entitled to ***accrue*** sick leave ***at the rate*** of 1 1/4 days ***per month, which is prorated based on the number of hours the employee is in paid status, excluding overtime.***
2. An employee who holds two or more part-time positions in the state service may combine the time in all positions for the purpose of computing ***the hours of accrued*** sick leave.

[Personnel Div., Rule VII § D subsec. 2, eff. 8-11-73; A and renumbered as subsec. 1, 2-5-82; § D subsec. 3, eff. 2-5-82]

NAC 284.544 Sick leave: Leave without pay; catastrophic leave; receipt of benefits for temporary total disability; computation. (NRS 284.065, 284.155, 284.345, 284.355)

1. Except as otherwise provided in NAC 284.580, an employee does not accrue sick leave during the time he is on leave without pay or on catastrophic leave.
2. A person who is receiving benefits for a temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS and:
 - (a) Makes the election provided in subsection 1 or 3 of NRS 281.390 is entitled to accrue sick leave during the period he is receiving those benefits and is being paid an amount of sick leave equal to the difference between his normal pay and the benefits received.
 - (b) Makes the election provided in subsection 5 of NRS 281.390 must be placed on leave of absence without pay, unless the employee ***elects*** to use his accrued annual leave.
3. An employee who does not have enough sick leave to make up the difference between his normal pay and the benefits for temporary total disability must be placed on leave of absence without pay for the time he is receiving such benefits and the balance of time not covered by paid leave. ***The*** employee accrues sick leave only for the time he is ***in paid status, excluding overtime.***
4. To compute the amount of sick leave to which an employee is entitled, an employee must be considered to work not more than 40 hours each week. If an employee occupies more than one position in different

departments, *the amount of sick leave to which the employee is entitled must be computed based on not more than 40 hours each week in each position.*

5. The basis for the computation of the amount of sick leave to which an exempt classified employee or exempt unclassified employee is entitled must not exceed the number of hours authorized in the biennial operating budget of this State for his position.

(Added to NAC by Dep't of Personnel, eff. 12-17-87; A 7-14-88; 7-21-89; 8-1-91; 9-16-92; 11-12-93; 3-23-94; 7-1-94; 11-16-95; R147-01, 1-22-2002)

NAC 284.546 Sick leave: Unused credit. (NRS 284.065, 284.155, 284.345, 284.355)

Unused sick leave accrued but not carried forward *pursuant to the provisions of* NRS 284.355 must be placed in a separate account. *Sick leave accrued in a separate account pursuant to this section is designated as special sick leave. Special sick leave* may be used if *an* employee has used all the sick leave otherwise available to him and meets the conditions, as applicable, of NAC 284.554, 284.566 and 284.568.

[Personnel Div., Rule VII § D subsec. 3, eff. 8-11-73; A and renumbered as subsec. 2, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 8-22-86; 11-16-95)

NAC 284.548 Sick leave: Repayment of benefits upon reinstatement of dismissed employee. (NRS 284.065, 284.155, 284.175, 284.345, 284.355)

An employee who is dismissed and later reinstated by an order of a hearing officer must repay any money the employee received for payment of sick leave benefits. The amount of the payment may be deducted from the *first available* wage payments or any back pay owed to the employee. *After the money is fully repaid pursuant to this subsection, the balance of the amount of sick leave that the employee had before he was dismissed must be restored to the employee.*

(Added to NAC by Dep't of Personnel, eff. 4-20-90)

NAC 284.551 Sick leave: Credit upon rehiring, reemployment or transfer. (NRS 284.065, 284.155, 284.345, 284.355)

1. An employee who is rehired within 1 year after he is laid off is entitled to the restoration of the accrued and unused sick leave remaining in his account at the time of his layoff.
2. The balance of a seasonal employee's sick leave must be restored to him for each subsequent term of appointment if the employee is rehired within 1 year *after* the date of his last seasonal separation.

3. An employee *who is reemployed within 1 year after sustaining* a permanent disability arising from a *work-related injury or occupational disease* as determined pursuant to NAC 284.6013 is entitled to restoration of the accrued and unused sick leave that remained in his account at the time of separation.
4. If an employee is appointed without a break in service from a position under one appointing authority to a position under another appointing authority, the balance of his sick leave is charged to the agency to which he is appointed.
5. If a nonclassified employee, an unclassified employee of the *Nevada System of Higher Education* or an employee covered by NRS 284.022 is appointed to the classified or unclassified service without a break in service, his sick leave must be recomputed to reflect the amount that would have accrued to him as a classified or unclassified employee less any sick leave which he used during his nonclassified, *Nevada System of Higher Education* or governmental agency employment and the remaining balance will be transferred to the new appointment. *If the amount of sick leave which is recomputed pursuant to this subsection results in a negative amount, the employee will begin the new appointment in the classified or unclassified service without any hours of sick leave.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-19-88; 3-1-96)

NAC 284.552 Sick leave: Service in provisional, special disabled, emergency or temporary status; seasonal employees. (NRS 284.065, 284.155, 284.345, 284.355)

1. Service in provisional, emergency or temporary status *including, without limitation, temporary limited appointments pursuant to NRS 284.327 of persons with disabilities who are certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation and service provided by an employee who has a work-related injury or occupational disease pursuant to a temporary assignment as set forth in NAC 284.6004*, must be credited towards sick leave.
2. Service in a special position which is temporary in the *Nevada System of Higher Education* may be credited towards sick leave if it is immediately followed by probationary or permanent status.
3. An employee in a seasonal position must be credited with sick leave.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92)

NAC 284.558 Sick leave: Illness in employee's immediate family. (NRS 284.065, 284.155, 284.345, 284.355)

1. Except as otherwise provided in this section, if an employee is needed to provide care for a member of his immediate family with an illness or other authorized medical need, the employee may use his accumulated sick leave, not to exceed 120 hours in any 1 calendar year. An employee is not subject to this 120-hour limitation if the leave is approved under the Family and Medical Leave Act.

2. The appointing authority may approve an exception to the 120-hour limitation or the requirement that the immediate family member be living in the employee's household. To obtain an exception, the employee ***must*** submit his request in writing to the appointing authority, accompanied by a certification from a provider of health care ***that substantiates*** the need for the employee's participation.
3. The appointing authority may ***require*** the employee ***to*** submit supplemental information ***which includes*** a second and third medical opinion as provided in subsection 2 of NAC 284.566.

[Personnel Div., Rule VII § D part subsec. 6, eff. 8-11-73; A and renumbered as subsec. 7, 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 3-23-94; 11-16-95; R082-00, 8-2-2000)

NAC 284.568 Sick leave: Placing employee on sick leave. (NRS 284.065, 284.155, 284.345, 284.355)

1. An appointing authority may place an employee on sick leave if:
 - (a) ***Due*** to a known or suspected illness ***or injury***, the employee is not performing at the level required by ***his position or is unable to perform the essential functions of*** his position ***with or without reasonable accommodation, as determined by the appointing authority pursuant to NAC 284.440 and 284.441;*** or
 - (b) ***The illness*** appears to be contagious.
2. ***If the appointing authority places the employee on sick leave pursuant to subsection 1, the appointing authority may require the employee, before the employee may return to work, to provide documentation from a provider of health care which verifies that the employee is medically able to perform the essential functions of the job with or without reasonable accommodation and does not have a contagious illness.***
3. Except as otherwise provided in NRS 281.390, the appointing authority may require an eligible employee to use sick leave during the time family and medical leave is granted.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92; 3-23-94; R082-00, 8-2-2000)

NAC 284.576 Catastrophic leave: Use and administration; appeal of denial. (NRS 284.065, 284.155, 284.3621, 284.3626)

1. An account for catastrophic leave may be established for an employee when he or a member of his immediate family experiences a catastrophe and the employee has used all of his accrued leave.
2. An employee who is affected by a catastrophe and has used or is about to use all of his leave may request, on the appropriate form, the transfer of leave to an account for catastrophic leave for his personal use after the balance of all of his leave has been used. Such a request must be accompanied

by a statement from a physician on a form provided by the Committee on Catastrophic Leave created pursuant to NRS 284.3627 which substantiates the necessity of the leave.

3. When a member of the immediate family of an employee is affected by a catastrophe, the appointing authority of the employee may require substantiating evidence that the member of the immediate family requires the employee's attendance before approving the transfer of leave to an account for catastrophic leave for use by the employee. Such evidence may include a statement by an attending physician regarding the status of the catastrophe.
4. The appointing authority shall approve or deny a request for catastrophic leave, taking into consideration the nature of the catastrophe and the expected duration of the leave. The decision of the appointing authority may be appealed to the Committee on Catastrophic Leave pursuant to NRS 284.3629.
5. *An employee whose request for catastrophic leave for a specified period of time has been approved and who has not had any or enough donations transferred to his account for catastrophic leave established pursuant to subsection 1, shall be deemed to be on approved leave without pay for the same period of time that was approved for the catastrophic leave. If a subsequent donation of hours to the employee's account for catastrophic leave is received before the last day of the approved period of catastrophic leave, the donation must be applied retroactively to cover the beginning of the period of leave that was taken without pay.*
6. An employee who wishes to donate hours to an account for catastrophic leave for use by another employee who has been approved to receive the donated hours shall notify his appointing authority on the appropriate form of his intent to donate the leave. The appointing authority of the employee donating the leave shall submit a copy of the form to the appointing authority of the employee receiving the leave. The appointing authority of the recipient shall use the notice to effect a transfer of leave from the account of the donor to the account of the recipient when the recipient needs to use those hours. If more than one notice of intent to donate leave is received by the recipient's appointing authority on behalf of the recipient, the notices must be maintained in chronological order and used, one at a time as needed, according to the date in which they were received.
7. A donor and his appointing authority must be notified on the appropriate form when the donated leave specifically designated for use by another employee has been used or if the amount of leave donated is in excess of the amount approved for use by the recipient. Excess leave must be restored to the account of the donor within 30 working days after the last day on which the recipient was eligible to receive catastrophic leave.
8. The appointing authority shall provide the following information on a calendar year basis or as requested by the Director:
 - (a) Each employee under its authority, identified by a number assigned in accordance with subsection 9, donating or using catastrophic leave, his grade and rate of pay and the number of hours and dollar value of the leave donated, excluding any excess leave restored to the account of a donor, pursuant to subsection 7, or used by the employee;
 - (b) The period and nature of the disability for each employee using catastrophic leave; and

- (c) A comparison of the average dollar value of the accounts for catastrophic leave based on the average rate of pay of the donors and the average dollar value of the leave taken by the recipients.
9. The appointing authority shall assign numbers to employees for the purposes of subsection ~~{7}~~ 8 in a sequential order and in such a manner that ensures the confidentiality of the identity of those employees.
10. Hours donated to an account for catastrophic leave must be donated in increments of 8 hours.
11. As used in this section, “immediate family” has the meaning ascribed to it in NAC 284.562.

(Added to NAC by Dep’t of Personnel, eff. 10-18-89; A 8-14-90; 3-23-94; R146-01, 1-18-2002)

NAC 284.578 Leave of absence without pay. (NRS 284.065, 284.155, 284.345)

1. Except as otherwise provided in NRS 284.360, ***an appointing authority may grant*** a leave of absence without pay to an employee for not more than 1 year for any satisfactory reason.
2. The Commission may grant leaves of absence without pay in excess of 1 year for purposes deemed beneficial to the public service.
3. An appointing authority may require an employee on leave of absence without pay to submit every 2 weeks a statement of his intent to return to work.
4. ***If*** the reason for granting the leave no longer exists, the appointing authority may revoke the leave after notifying the employee in writing and allowing, ***so far as is practicable, not less than 5 working days after the date of notification*** for the employee to return to work.
5. An employee shall request leave without pay at least 30 days in advance of when the need for the leave is foreseeable, if practicable.
6. ***An employee may not use leave without pay in lieu of sick leave or annual leave without the approval of the appointing authority.***
7. ***An employee who is using leave pursuant to the Family and Medical Leave Act may not use leave without pay until he has exhausted his accrued sick leave, annual leave and catastrophic leave as required by NAC 284.5811.***

[Personnel Div., Rule VII § E subsecs. 1-4, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 3-23-94; 10-27-97)

NAC 284.5811 Family and medical leave: Maximum amount in 12-month period; eligibility. (NRS 284.065, 284.155, 284.345, 284.350, 284.355, 284.3626)

1. *An employee who is entitled to leave pursuant to the Family and Medical Leave Act* is limited to a total of 12 weeks *of such leave* during a rolling 12-month period. *The rolling 12-month period is measured backward from the date an employee uses any leave pursuant to the Family and Medical Leave Act.*
2. To calculate eligibility for leave pursuant to the Family and Medical Leave Act, each hour that an employee is in paid status in the 12-month period immediately preceding the leave must be considered as time worked.
3. Except as otherwise provided in subsection 4, an employee who meets the requirements for eligibility for *and who is taking* leave pursuant to the Family and Medical Leave Act must exhaust his accrued sick leave, accrued annual leave *and* catastrophic leave before he may use leave without pay. *Any* accrued sick leave, accrued annual leave, catastrophic leave and holiday pay *to which the employee is entitled pursuant to NAC 284.255* runs concurrently with the leave granted pursuant to the Family and Medical Leave Act if the employee is otherwise eligible for that sick leave, annual leave, catastrophic leave or holiday pay.
4. If an employee is absent from work as the result of a work-related injury or illness and he meets the requirements for eligibility for leave due to a serious health condition pursuant to the Family and Medical Leave Act:
 - (a) Any amount of time that the employee is absent from work during that period will be designated as leave pursuant to the Family and Medical Leave Act; and
 - (b) The employee may elect to use paid leave *or leave without pay* for the portion of time that he is not being compensated for the work-related injury or illness.
5. *An appointing authority may require an employee to provide medical documentation to support his need for leave pursuant to the Family and Medical Leave Act due to a serious health condition of the employee or of a spouse, parent, or child of the employee.*

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R082-00, 8-2-2000; A by Personnel Comm'n by R096-03, 10-30-2003)

NAC 284.582 Civil leave with pay to serve on jury or as witness. (NRS 284.065, 284.155, 284.175, 284.345)

1. Except as otherwise provided in subsection 2, civil leave with pay must be granted to any employee who is required, during his normal hours of work, to serve:
 - (a) On a jury; or

(b) As a witness in a court or at an administrative hearing *if* he is **not** party to the action **and the action** is not related to his job.

The period of the leave must not be deducted from the balance of his annual leave. An employee who is granted the leave must receive his regular pay while on the leave, and he may retain any fee paid to him for his service as a juror or witness.

2. If an employee, in his official capacity as a state employee and as part of his required duties, serves as a witness during his regular working hours, he shall accept any witness fee offered to him and relinquish it to the agency by which he is employed.
3. If an employee is paid travel expenses and subsistence allowances by the court or public agency for which he performs service as a witness, he may retain that payment only if the State has not provided him payment for the same purpose. If the State has provided him such a payment, he shall relinquish it to the agency by which he is employed.
4. **An agency** shall attempt to adjust the working hours of employees who work night shifts and are called as witnesses or for jury duty during the day. If an agency feels this is impractical, in the case of jury duty, it shall petition the court to excuse the juror.

[Personnel Div., Rule VII § E subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 12-13-83, 10-26-84; 5-27-86; R147-01, 1-22-2002)

NAC 284.586 Civil leave with pay to vote. (NRS 284.065, 284.155, 284.345)

Civil leave with pay must be granted to allow an employee time off to vote subject to the conditions established in NRS 293.463. ***If an employee determines he will need time off to vote, he must submit a request for civil leave with pay to the person authorized to grant such leave before the day of the election.***

[Personnel Div., Rule VII § E subsec. 7, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84)

NAC 284.589 Administrative leave with pay. (NRS 284.065, 284.155, 284.345)

1. An appointing authority may grant administrative leave with pay to an employee:
 - (a) To relieve the employee of his duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;
 - (b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his position;
 - (c) For up to 30 days to remove the employee from the **workplace** when he has committed or threatened to commit an act of violence;

- (d) For up to 2 hours to donate blood; or
 - (e) To relieve the employee of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.
2. The appointing authority, upon approval of the Risk Management Division of the Department of Administration, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.
 3. Except as otherwise provided in subsection 4, an appointing authority or the Department of Personnel may grant administrative leave with pay to an employee for any of the following purposes:
 - (a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the State but which do not require him to participate or attend in his official capacity as a state employee.
 - (b) Closure of the employee's office or work site caused by a natural disaster or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.
 - (c) His appearance as an aggrieved employee or a witness at a hearing of the Committee.
 - (d) His appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Department of Personnel.
 - (e) His appearance to provide testimony at a meeting of the Commission.
 4. An appointing authority or the Department of Personnel shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (c), (d) or (e) of subsection 3 if:
 - (a) The employee requests the administrative leave for a period of time that is reasonably needed for him to testify at the hearing or meeting;
 - (b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and
 - (c) The absence of the employee will not cause an undue hardship to the operations of his appointing authority or adversely impact the provision of services to clients or to the public.
 5. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:
 - (a) The initial appointment and one follow-up appointment if the employee receives counseling through the Employee Assistance Program.
 - (b) His attendance at a health fair which has been authorized by the Board of the Public Employees' Benefits Program.

- (c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.
- (d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.
- (e) Up to 8 hours for preparation for hearings regarding his involuntary transfer.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99; R058-01, 9-6-2001; A by Personnel Comm'n by R038-03, 10-30-2003; R183-03, 1-27-2004)

NAC 284.5895 Computation of leave for exempt classified and unclassified employees. (NRS 284.065, 284.155, 284.345)

1. **An** absence of an exempt classified employee, or exempt unclassified employee for a full workday shall be deemed to be an absence for a period equal to his regularly scheduled hours of employment on that workday.
2. Except when an absence for part of a workday is authorized for family and medical leave, an exempt classified employee or exempt unclassified employee must only account for an absence of one or more full workdays by the use of leave appropriate to the absence and is not required to account for any absence for part of a workday. 3. An exempt classified employee or exempt unclassified employee must not account for an absence for a full workday by the use of a combination of accrued sick leave and accrued annual leave unless:
 - (a) He is on family and medical leave; or
 - (b) He has been approved for catastrophic leave and the catastrophic leave is used as a supplement for the remaining sick and annual leave.
4. If an exempt classified employee or exempt unclassified employee does not have accrued leave appropriate to the absence in an amount sufficient to account for an authorized absence, the employee must be placed on leave of absence without pay for that workday unless he is approved to use catastrophic leave.

(Added to NAC by Dep't of Personnel, eff. 3-23-94; A 11-16-95; R147-01, 1-22-2002)

NAC 284.594 Unauthorized absences. (NRS 284.065, 284.155, 284.175, 284.345)

1. An unauthorized and unreported absence must be considered an absence without leave and a deduction of pay must be made for the absence.

2. *An unreported absence may be considered an absence without leave, and a deduction of pay may be made for the absence.*
3. *An employee who has an unauthorized or unreported absence may be subject to disciplinary action pursuant to NAC 284.650.*
4. A deduction from the pay of an exempt classified employee or exempt unclassified employee must be made in increments of a full workday.

[Personnel Div., Rule VII § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 1-26-87; 11-16-95; R147-01, 1-22-2002)

NAC 284.598 Breaks in continuous service. (NRS 284.065, 284.155)

The following are not breaks in continuous service:

1. *Military* leave for active service if the person *returns from leave* within 90 calendar days after an honorable discharge from military service.
2. A layoff if *the* employee is *reemployed* within 1 year after the date he was laid off.
3. A seasonal *layoff if the* employee *is reemployed* within 1 year after the end of the previous seasonal appointment.
4. A *separation as a result of* a permanent disability arising from a *work-related injury or occupational disease*, if the *employee is reemployed within* 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.

[Personnel Div., Rule VII § H, eff. 8-11-73; A 7-3-76]—(NAC A by Dep't of Personnel, 8-26-83; 4-19-88; 3-1-96)

NAC 284.600 Definitions. (NRS 284.065, 284.155)

As used in NAC 284.600 to 284.6019, inclusive, unless the context otherwise requires:

1. "Employee" means an employee who is in the classified service of the State. The term does not include an employee of the *Nevada System of Higher Education* who is *in a temporary appointment as* described in subsection 4 of NRS 284.325.
2. "Regular position" means the position an employee held at the time:
 - (a) Of his *work-related* injury; or

- (b) He became aware of his occupational disease and its relationship to his employment in the classified service of the State.

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A 3-1-96)]

NAC 284.6002 Physical assessments. (NRS 284.065, 284.155)

1. *An* appointing authority shall require an employee who has a *work-related injury or occupational disease* to submit to the appointing authority a physical assessment prepared by the employee's treating physician or chiropractor. The appointing authority may require the employee to submit a physical assessment after each visit to the physician or chiropractor or after only those visits designated by the appointing authority.
2. Each physical assessment must:
 - (a) Be reported on *a* form *that provides at least the same information as the form for physical assessments* prescribed by the Division of Industrial Relations of the Department of Business and Industry; *and*
 - (b) Contain *all* restrictions imposed on the employee's ability to work by the treating physician or chiropractor.
3. An employee who is required to submit a physical assessment shall deliver or mail the assessment to the appointing authority within 3 working days after the date of his visit to his treating physician or chiropractor.

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A by R082-00, 8-2-2000)

NAC 284.6004 Temporary assignment: Conditions for offer; termination; additional assignments. (NRS 284.065, 284.155, 284.327, 616C.475)

1. *The* appointing authority shall *prepare a written description of the duties of a temporary assignment to be offered* to an employee *with a work-related injury or occupational disease. If the employee's treating physician or chiropractor approves the return of the employee to work, the appointing authority shall offer, in writing,* a temporary assignment that is modified according to *any* restrictions imposed *by the employee's treating physician or chiropractor* if:
 - (a) The *restrictions prevent the employee from performing* the duties of his regular position;
 - (b) The employee *has an accepted or pending claim for compensation pursuant to NRS 616C.065 or 617.356;*
 - (c) An appropriate temporary assignment is available;

- (d) The temporary assignment is not prohibited by the source that funds the employee's regular position; and
 - (e) The employee would otherwise be employed by the appointing authority if he had not incurred the ~~[disability related to work.]~~ ***work-related injury or occupational disease.***
2. A temporary assignment offered pursuant to subsection 1 must be terminated ***if any of the following occurs:***
- (a) Ninety days ***have elapsed*** after the date on which the employee ***began*** the assignment;
 - (b) ***The*** employee's treating physician or chiropractor certifies that the employee has permanent restrictions that prevent him from returning to his regular position;
 - (c) ***The*** assignment is no longer available;
 - (d) ***The*** employee's treating physician or chiropractor certifies that the employee ***can perform*** the duties of his regular position;
- or***
- (e) ***The*** employee terminates his employment or retires.
3. ***If the employee's claim for compensation pursuant to NRS 616C.065 or 617.356 is denied, the temporary assignment can be terminated at the discretion of the appointing authority.***
4. An appointing authority may offer an employee who has a ***work-related restriction imposed by the employee's treating physician or chiropractor one subsequent*** temporary assignment if:
- (a) The ***recovery period for the work-related injury or occupational disease continues to prevent the employee from performing all*** the duties of his regular position ***but the employee is performing at least 51 percent of such duties; or***
 - (b) ***The employee returns to work at his regular position but again becomes temporarily unable to perform the duties of his position due to restrictions imposed by the employee's treating physician or chiropractor because of the work-related injury or occupational disease.***
5. ***The subsequent*** temporary assignment ***must be*** recommended by the appointing authority's insurer.
6. Any additional temporary assignment must be limited in ***accordance with*** subsection 2.
7. ***An employee with a work-related injury or occupational disease may be required to submit himself for medical examination pursuant to the requirements set forth in NRS 616C.140 or 617.370 if his treating physician or chiropractor does not approve a temporary assignment to be offered to the employee.***

(Added to NAC by Dep't of Personnel, eff. 7-1-94)

NAC 284.6008 Temporary assignment: Location; jurisdiction of appointing authority; effect of jurisdiction of another appointing authority. (NRS 284.065, 284.155, 284.327)

1. A temporary assignment offered to an employee pursuant to NAC 284.6004 must be located less than 25 miles from the location of his regular position, unless the employee accepts a temporary assignment in a different geographical location.
2. A temporary assignment offered to an employee must be under the jurisdiction of the employee's appointing authority if such an assignment is available. If *such an assignment is not* available, the appointing authority shall:
 - (a) *Contact the Risk Management Division of the Department of Administration or the office of the Nevada System of Higher Education that assists with claims for a work-related injury or occupational disease;*
 - (b) *Contact the* Department of Personnel; and
 - (c) *Determine if an appropriate* temporary assignment is available under the jurisdiction of another appointing authority.
3. If the employee is offered a temporary assignment under the jurisdiction of another appointing authority, *the employee shall be deemed to remain in his regular position as the* temporary assignment does not constitute a transfer to *that position*.
4. *For the duration of the temporary assignment, the duties assigned to the employee may not be used as a basis to:*
 - (a) *Reclassify the employee's regular position; or*
 - (b) *Reallocate the class in which the employee is employed.*
5. *An employee who accepts a temporary assignment offered pursuant to NAC 284.6004 is entitled to receive the base rate of pay he received for his regular position for the number of hours he works or is on paid leave during the temporary assignment. The appointing authority at the time of the work-related injury or occupational disease shall continue to pay the employee for the duration of the temporary assignment.*

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A by R147-01, 1-22-2002)

NAC 284.6012 Temporary assignment: Effect of family and medical leave. (NRS 284.065, 284.155, 284.327, 284.345)

Except as otherwise provided by the Family and Medical Leave Act, an employee who is granted family and medical leave because a *work-related injury or occupational disease* prevents him from performing one or more of the essential duties of his regular position:

1. *Is not* required to accept a temporary assignment offered pursuant to NAC 284.6004.
2. May voluntarily accept a temporary assignment pursuant to NAC 284.6004. An employee who voluntarily accepts such a temporary assignment retains *a limited* right to be returned to the position he held before the temporary assignment or an equivalent position *subject to the provisions set forth in* the Family and Medical Leave Act.

(Added to NAC by Dep't of Personnel, eff. 7-1-94; A 11-16-95; R082-00, 8-2-2000)

NAC 284.6013 Determination of date on which employee sustained permanent disability related to work. (NRS 284.065, 284.155)

For the purposes of NAC 284.6013 to 284.6019, inclusive, *the effective date* an employee shall be deemed to have a permanent disability arising from a *work-related injury or occupational disease is the date* the insurer *delivers notice to the employee* stating that his treating physician or chiropractor has informed the insurer pursuant to NRS **616C.490** that the employee has permanent restrictions which prevent him from returning to work in his regular position.

(Added to NAC by Dep't of Personnel, eff. 3-1-96; A by R197-99, 1-26-2000)

NAC 284.6014 Eligibility of employee with permanent disability for reemployment. (NRS 284.155, 284.345)

1. An employee is eligible for reemployment under this section if:
 - (a) He is a permanent employee;
 - (b) He would otherwise have continued in his regular position;
 - (c) He is unable to perform the essential functions of his regular position, even with reasonable accommodation, because he has a permanent disability arising from a *work-related injury or occupational disease*;
 - (d) The Risk Management Division of the Department of Administration receives notification from the insurer certifying that the employee has a medical condition which, in the opinion of the medical advisor to the insurer, will result in a permanent partial disability;
 - (e) The Risk Management Division of the Department of Administration receives notification from the insurer certifying that the employee has permanent physical restrictions as a result of his permanent disability and that he is eligible for vocational rehabilitation benefits;
 - (f) The Risk Management Division of the Department of Administration receives notification from the insurer certifying that the employee's claim for benefits from the insurer is not being contested through the hearing and appeal process provided pursuant to chapters 616A to 617, inclusive, of NRS; and

- (g) He submits to the Department of Personnel a completed job development form supplied by the Department not later than 30 days after the date on which he sustained his permanent disability.
2. A person is entitled to reemployment under this section only within the department that employed him at the time he sustained his permanent disability. Such entitlement to reemployment applies to the class and option of his regular position and to any class for which the employee qualifies that does not exceed the grade level of his regular position.
 3. A person is entitled to reemployment under this section only in a full-time position if his regular position was on a full-time basis. A person whose regular position was on a part-time, seasonal or intermittent basis only is entitled to reemployment on the same basis as his regular position. A person who is entitled to reemployment on a full-time basis may be reemployed on either a full-time or part-time basis, as appropriate, based on his permanent physical restrictions as certified by the insurer.
 4. The employee, his appointing authority and his vocational rehabilitation counselor shall provide any necessary information for job development and reemployment on the forms prescribed by the Department of Personnel.

(Added to NAC by Dep't of Personnel, eff. 3-1-96; A by R197-99, 1-26-2000)

NAC 284.6015 Risk management division to provide certain information regarding permanent disability of employee to department of personnel and appointing authority. (NRS 284.155, 284.345)

The Risk Management Division of the Department of Administration shall provide to the Department of Personnel and to an employee's appointing authority the following information regarding the employee when the information becomes known to the Division:

1. The date on which the employee sustained a permanent disability arising from a *work-related injury or occupational disease*;
2. The date on which the employee will no longer be eligible for vocational rehabilitation benefits;
3. Any written agreement signed by the employee for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation benefits; and
4. Any determination by the insurer that the employee is not entitled to compensation for a permanent partial disability.

(Added to NAC by Dep't of Personnel, eff. 3-1-96; A by R197-99, 1-26-2004)

NAC 284.6019 Limitations on eligibility for reemployment of person with permanent disability. (NRS 284.065, 284.155, 284.305)

1. Except as otherwise provided in NAC 284.6018, a person is no longer eligible for reemployment pursuant to NAC 284.6014:
 - (a) If he signs a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation benefits, unless such an agreement is subsequently rescinded in the manner set forth in NRS 616C.595;
 - (b) When he is no longer eligible for vocational rehabilitation benefits;
 - (c) When it is determined that the employee is not entitled to compensation for a permanent partial disability;
 - (d) If he accepts an offer of employment with the State of Nevada or another employer which accommodates his permanent restrictions or he is otherwise unavailable for employment;
 - (e) If he declines an offer of employment which accommodates his permanent restrictions and which is located in the same geographical location as his regular position;
 - (f) If he is dismissed from the position *in* which he is reemployed for disciplinary reasons or because he retires;
 - (g) If he states his intention not to seek reemployment; or
 - (h) On or after the one year anniversary of the date on which he sustained his permanent disability *as determined pursuant to NAC 284.6013*.
2. Reemployment rights must not be offered more than one time for the same disability *resulting from a work-related injury or occupational disease*.
3. As used in this section, “geographical location” has the meaning ascribed to it in NAC 284.612.

(Added to NAC by Dep’t of Personnel, eff. 3-1-96)

NAC 284.602 Resignations. (NRS 284.065, 284.155, 284.381)

1. *Unless the appointing authority and employee agree to a shorter period of time, an employee who wishes to resign shall submit his resignation in writing at least 2 weeks before he resigns and notify the appointing authority of the reason for and the effective date of the resignation. If an employee fails to comply with this subsection, the appointing authority may note the insufficient notice in the employee’s file.*

2. *The employee* shall report and the *appointing authority* shall acknowledge the resignation to the Department of Personnel on a form provided by the Department of Personnel. The form must contain a statement of the employee's right to revoke his resignation pursuant to NRS.284.381.

[Personnel Div., Rule XIII § A subsec. 1, eff. 8-11-73; A 2-5-82; Rule XIII § A part subsec. 2, eff. 8-11-73; A 4-14-76; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 12-17-87; R043-99, 9-27-99)

NAC 284.611 Separation for physical, mental or emotional disorder. (NRS 284.065, 284.155, 284.355)

1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his job, the appointing authority must:
 - (a) Verify with the employee's physician *or by an independent medical evaluation paid for by the appointing authority* that the condition does not, *or is not expected to*, respond to treatment or *that* an extended absence from work will be required;
 - (b) Determine whether reasonable accommodation can be made to enable the employee to perform the essential functions of his job;
 - (c) Make a request to the Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation *to obtain* the services provided by that Division, or if the employee is receiving worker's compensation, request the services of the rehabilitation *provider*, to evaluate the employee's condition and to provide any rehabilitative services possible; and
 - (d) Ensure that all reasonable efforts have been made to retain the employee.
2. A separation *pursuant to this section* is only justified when:
 - (a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;
 - (b) The employee is not on sick leave or other approved leave; and
 - (c) *A referral has been made to the Public Employees' Retirement System and the employee has been determined to be* ineligible for, or has refused, disability retirement.
3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in NAC 284.656 must be followed, and he may appeal his separation to the hearing officer.
4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to NAC 284.386 if he recovers from the disorder within 2 years after his termination.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; 7-6-92; R197-99, 1-26-2000; A by Personnel Comm'n by R182-03, 1-27-2004)

NAC 284.614 Layoffs: Procedure. (NRS 284.065, 284.155, 284.380)

1. Except as otherwise provided in NAC 284.425, if it becomes necessary for a classified employee to be laid off because of a shortage of work or money, the abolition of a position, or some other material change in duties or organization:
 - (a) The director of the department shall determine in what geographical location, class series, class and option the reductions in staff will have the least detrimental effect on the operations of the department and shall specify layoffs accordingly. In the Department of *Health and Human Services* and the *Nevada System of Higher Education*, the administrator of a division *may be designated to make these determinations* with the approval of the director of the department.
 - (b) Within the department, geographical location, class series, class and option selected, all employees of the department who are not permanent must be separated from service before any permanent employees in the following order:
 - (1) Emergency employees.
 - (2) Temporary employees.
 - (3) Provisional employees.
 - (4) Probationary employees.
 - (c) If additional reductions are necessary, permanent employees must be laid off on the basis of seniority *pursuant to NAC 284.632*.
 - (d) In the department, geographical location, class series, class and option where layoffs are to take place, those employees with the least seniority must be laid off, transferred as set forth in subsection 2 or voluntarily demoted as set forth in NAC 284.618.
 - (e) *An* appointing authority may consider *limiting* layoffs to *employees in* full-time or part-time *positions*. Similar considerations may be given to and limitations placed on positions requiring selective certification pursuant to NAC 284.361.
2. If a permanent employee must be laid off for one of the reasons set forth in subsection 1, the appointing authority shall notify the employee that *he* may choose to:
 - (a) Transfer within his department, class and option into the position of the employee in his department, class and option with the least seniority;
 - (b) Be voluntarily demoted as set forth in NAC 284.618; or

- (c) Exercise his reemployment rights as set forth in NAC 284.630.
3. Within 3 working days after an employee has been notified of his choices pursuant to subsection 2, *he* must designate in writing to the appointing authority the choice *he* will exercise.
4. ***For the purposes of this section, divisions of the Department of Health and Human Services and the Nevada System of Higher Education shall be deemed to be departments.***

[Personnel Div., Rule XIII § B subsec. 1, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-28-85; 8-22-86; 7-21-89; 8-1-91; 3-27-92; 9-16-92; 11-16-95; 10-27-97; R031-98, 4-17-98; R043-99, 9-27-99; R146-01, 1-18-2002; R147-01, 1-22-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

NAC 284.618 Layoffs: Voluntary demotions. (NRS 284.065, 284.155, 284.175, 284.380)

1. In lieu of being laid off, a permanent employee may choose to be voluntarily demoted ***to a vacant position or displace an employee*** within the department and geographical location where employed to one of the next lower classes:
- (a) Within his current class series and option; or
- (b) Within the class series and option from which he was appointed ***to his current position*** during current continuous service if he cannot be demoted pursuant to paragraph (a).

For the purposes of this subsection, divisions of the Department of ***Health and Human Services*** and the ***Nevada System of Higher Education*** shall be deemed to be departments.

2. No employee in a higher class may displace an employee in a lower class who has more seniority. If an employee chooses to displace another, he must displace the member of the next lower class who has the least seniority. If that member has more seniority, the displacing employee must descend further in the class series.
3. The employees displaced reestablish the layoff class.
4. An employee may choose to displace another only if he meets the minimum qualifications for the class, option and position. For the purposes of this subsection, qualifications for a position may be different from those of the class and option only when selective certification is required pursuant to subsection 2 of NAC 284.361.
5. Full-time, part-time and seasonal employees must be treated separately and can only displace like employees.
6. Displacement is always a ***movement to a class at a lower grade***.
7. A current employee who elects to displace another employee has priority over former employees already on reemployment lists.

8. The pay of the employee who is taking a voluntary demotion cannot exceed the highest step for the class to which the employee is being demoted. If the current pay falls within the lower rate range, no reduction in pay may occur unless money is not available as certified by the Chief of the Budget Division of the Department of Administration or, in the case of an agency which is not supported from the State General Fund, as certified by the administrator of that agency.

[Personnel Div., Rule XIII § B subsec. 2, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; R146-01, 1-18-2002; A by Personnel Comm'n by R096-03, 10-30-2003)

NAC 284.626 Layoffs: Notice. (NRS 284.065, 284.155, 284.380) All permanent employees to be laid off must be given written notice of the layoff at least 30 calendar days before the effective date of the layoff. A copy of the *seniority calculations and* layoff notice must be sent to the Department of Personnel. The notice must specifically list the positions and locations where *the* employee has a current right to displace another employee, if those positions and locations are known at the time of notification.

[Personnel Div., Rule XIII § B subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 8-1-91)

NAC 284.630 Layoffs: Reemployment. (NRS 284.065, 284.155, 284.250, 284.380)

1. *Names* of permanent employees who have received *a* layoff *notice* will be placed on the statewide reemployment list for the class and option of the position involved in the layoff, in order of seniority.
2. *Names* of permanent employees who have received *a* layoff *notice* will also be placed on the statewide reemployment list for other classes for which they qualify *at or below the grade of the class held at the time of layoff*, in order of seniority , but behind those identified in subsection 1.
3. *The employee shall provide an employment application and a list of classes and options he is seeking for reemployment to the Department of Personnel* within 30 days after his layoff *date*. *The agency shall provide the seniority calculations to the Department of Personnel.*
4. *Names of permanent employees who have received a layoff notice will be integrated with names of employees who are eligible for reemployment pursuant to NAC 284.6014.*
5. Part-time employees are not entitled to be reemployed in full-time positions and full-time employees are not entitled to be reemployed in part-time positions.
6. Seniority must be projected and counted up to the layoff date, or transfer date if the provisions of subsection 4 of NAC 284.394 apply. Seniority determines ranking on all reemployment lists *and* will not be recalculated unless the *employee* is affected by a subsequent layoff.
7. Each person on the list retains *reemployment* eligibility for 1 year *after* the *layoff* date. Except as otherwise provided in this section, reemployment rights are exhausted when a person accepts or declines an offer of employment in the class or a comparable class with the same grade *in* the department and

geographical location *of the layoff*. Any exception to this provision *must be* approved by the Department of Personnel. When a person accepts a position at a grade lower than that held at the time of layoff, his name will be removed from all reemployment lists that are equal to or below the grade accepted.

8. A permanent employee who has been laid off and is being reemployed in the department, class and option from which he was laid off must have his permanent status restored. A permanent employee who is reemployed in a different class or in a different department *must* serve a new probationary period. If the employee does not complete the probationary period, his name must be restored to the appropriate reemployment list for any remaining part of the year following the *layoff* date. When the right to reemployment expires, the person affected retains his right to reinstatement or reappointment pursuant to NAC 284.386 or 284.404.

[Personnel Div., Rule XIII § B subsec. 6, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; 11-12-93; 3-1-96; A by Personnel Comm'n by R183-03, 1-27-2004)

NAC 284.632 Layoffs: Calculation of seniority. (NRS 284.065, 284.155, 284.335, 284.380)

1. For the purposes of calculating an employee's seniority for NAC 284.614, 284.618 and 284.630:
 - (a) Except as otherwise provided in this section, the total number of years of continuous full-time equivalent service up to the effective date of the layoff must be included.
 - (b) Except as otherwise provided in subsection 2, the sum of the calculation made pursuant to paragraph (a) or, if applicable, subsection 5 must be reduced by the following periods if those periods occurred during the 36 months immediately preceding the date of the notification of layoff:
 - (1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in *the period preceding the date of the notification of layoff equal to 12 months of full-time equivalent service*;
 - (2) For an exempt classified employee or exempt unclassified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in *the period preceding the date of notification of layoff equal to 12 months of full-time equivalent service*; and
 - (3) Any time covered by a report on performance which rated the employee below standard *excluding evaluations received within 75 calendar days before the notification of layoff*.
2. For the purposes of the reduction in the calculation of seniority required by paragraph (b) of subsection 1:
 - (a) The reduction may not include:
 - (1) A leave of absence without pay during a fiscal emergency of the State or an agency pursuant to NAC 284.580;

- (2) A leave of absence without pay for a work-related injury or illness pursuant to NRS 281.390; or
- (3) A military leave of absence pursuant to NRS 284.359.
- (b) As set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 1, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his pay class designation.
- 3. ***For the purposes of calculating seniority for layoff***, if seniority is otherwise equal, seniority must be determined in the following order:
 - (a) Total time within the occupational group;
 - (b) Total time within the department; and
 - (c) By lot.
- 4. For the purposes of ***calculating seniority for*** reemployment, if seniority is otherwise equal, seniority must be determined by lot.
- 5. A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his present occupational group as categorized by NRS 284.171 and adding that amount to the time spent by the employee in all former occupational groups up to the date of layoff. If the Commission approves the request of the department to calculate the number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:
 - (a) Only to determine which employees will receive a layoff notice and not for the placement of those employees on the reemployment list; and
 - (b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 1.

(Added to NAC by Personnel Comm'n by R096-03, eff. 10-30-2003; A by R182-03, 1-27-2004)